



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
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June 10, 2020

By ECF and Federal Express
Honorable Lorna G. Schofield
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *New York Legal Assistance Group v. DeVos, et al.*, No. 20 Civ. 1414 (LGS)

Dear Judge Schofield:

This Office represents Defendants in the above-referenced action. We are enclosing with a copy of this letter, sent via Federal Express, a CD-ROM which contains the administrative record, as produced to Plaintiff on June 9, 2020. Defendants' certification of the records and an index of all of the Bates-numbered pages included in the production are being filed as exhibits to this letter, and are also included on the CD-ROM.

In light of the volume of material contained on this CD-ROM (over 8,000 pages and over 350 megabytes), the administrative record that will accompany the Government's motion will be voluminous, and it will therefore not be practicable to file the record either on ECF or in hard copy with the Clerk of the Court. Defendants respectfully request that the Court endorse this letter granting Defendants leave to file these records with the Clerk of the Court via CD-ROM. Plaintiff consents to this request.

I thank the Court for its consideration of this request.

Respectfully,

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:

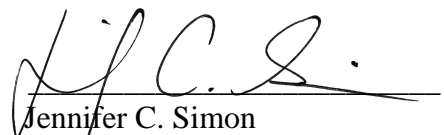

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Exhibit A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NEW YORK LEGAL ASSISTANCE GROUP,)
Plaintiff,)

-v-

ELISABETH DeVOS, in her official capacity
as Secretary of Education,

and

UNITED STATES DEPARTMENT OF
EDUCATION,

Defendants.

Case No. 20 Civ. 1414

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Department of Education

34 C.F.R. Parts 668, 682 and 685

Student Assistance General Provisions, Federal Family Education Loan Program and William D. Ford Federal Direct Loan Program

Docket ID ED-2018-OPE-0027, September 23, 2019

34 C.F.R. Parts 668, 682, 685

*Negotiated Rulemaking Committees;
Negotiator Nominations and Schedule
of Committee Meetings—Borrower
Defenses, Financial Responsibility,
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SAS Support, <i>Usage Note 22540: How Can I Tell How Many Clusters Are in My Data Set?</i> (Aug. 5, 2009), support.sas.com/kb/22/540.html	AR-G-0003356

SECTION H - BORROWER DEFENSE: OTHER MATERIALS

Annualized and Present Value as of 2016 with Perpetual Time Horizon	AR-H-0000001
Closed School Search	AR-H-0000004
Direct Loan Dashboard AY 2015-2016 – Quarter 4.....	AR-H-0000075
Direct Loan Dashboard AY 2017-2018 – Quarter 4.....	AR-H-0000219
GE_SBA_v1 Code.....	AR-H-0000295

Hales, A. and Hay, S. <i>Stratifying Postsecondary, Private, for-Profit Schools</i> , Policy, Analysis, and Forecasting Group, Office of Postsecondary Education, Department of Education (Aug. 2017).....	AR-H-0000306
Loan Model Assumptions-Major Assumptions - PB2020-Code files	AR-H-0000314
Loan Model Assumptions-Major Assumptions - PB2020-Excel files	AR-H-0000833
Loan Model Assumptions-Major Assumptions - PB2020-Output files	AR-H-0000916
PB2020 Direct Loan File 2019-2029	AR-H-0001204
Regulatory Flexibility File.....	AR-H-0001209

SECTION I - BORROWER DEFENSE: PUBLIC COMMENTS RECEIVED REGARDING NOTICE OF INTENT TO HOLD NEGOTIATED RULEMAKING

Public Comments Regarding June 16, 2017 Notice of Intent to Hold Negotiated Rulemaking – *Comments are publicly available at <https://www.regulations.gov/docket?D=ED-2017-OPE-0076>*

SECTION J - BORROWER DEFENSE: PUBLIC COMMENTS RECEIVED ON NPRM

Public Comments on July 31, 2018 NPRM – *Comments are publicly available at <https://www.regulations.gov/docket?D=ED-2018-OPE-0027>*

SECTION K - BORROWER DEFENSE: 2016 FINAL RULE AND DELAYS

2016 Final Borrower Defense Rule (Nov. 1, 2016).....	AR-K-0000001
Delay of Effective Date Final Rule (June 16, 2017).....	AR-K-0000165
Interim Delay Rule (Oct. 24, 2017)	AR-K-0000167
Final Delay Rule (Feb. 14, 2018).....	AR-K-0000175
Announcement that 2016 Rule Effective (March 19, 2019).....	AR-K-0000188
FSA Guidance Regarding the Effective Provisions of the 2016 Final Rule (March 15, 2019).....	AR-K-0000191

Exhibit B

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NEW YORK LEGAL ASSISTANCE GROUP,)

Plaintiff,

-v-

**ELISABETH DeVOS, in her official capacity
as Secretary of Education,**

and

**UNITED STATES DEPARTMENT OF
EDUCATION,**

Defendants.

Case No. 20 Civ. 1414

ADMINISTRATIVE RECORD CERTIFICATION

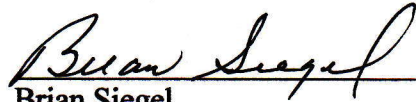
DEFENDANTS' CERTIFICATION OF ADMINISTRATIVE RECORD

I, Brian Siegel, pursuant to the provisions of 20 U.S.C. § 3472 and the authority delegated to me from the Secretary and the General Counsel of the U.S. Department of Education, hereby certify that the attached pages AR-A-000001 through AR-A-0000207, AR-B-0000001 through AR-B-0000107, AR-C-0000001 through AR-C-0000405, AR-D-0000001 through AR-D-0000792, AR-E-0000001 through AR-E-0000995, AR-F-0000001 through AR-F-0001237, AR-G-0000001 through AR-G-0003357, AR-H-0000001 through AR-H-0001210, AR-I-0000001 (incorporating by reference public comments for Docket ED-2017-OPE-0076), AR-J-0000001 (incorporating by reference public comments for Docket ED-2018-OPE-0027), and AR-K-0000001 through AR-K-0000203 as identified on the Administrative Record Index filed with this Certification, constitute true copies of the administrative record underlying the Department of

Education's decision concerning its final rule issued on September 23, 2019, at 84 Fed.

Reg. 49,788.

Made on this 9th day of June, 2020.

A handwritten signature in black ink, appearing to read "Brian Siegel", written over a horizontal line.

Brian Siegel
Deputy Assistant General Counsel
Division of Postsecondary Education
Office of the General Counsel
U.S. Department of Education